

CASE AGAINST THE BEEF TRUST

ATTORNEY - GENERAL MOODY'S
ARGUMENT IN SUPREME COURT.

He Contended That the Packers Violated the Law by Entering into an Agreement for Suppressing Competition Both in the Purchase of Live Stock and in the Sale of Fresh Meat.

WASHINGTON, Jan. 9.—Arguments in the so-called Beef Trust case were concluded in the Supreme Court today. Attorney-General Moody appearing for the government in favor of continuing the injunction issued by Judge Grosscup at Chicago, and Attorney Miller closing the case in favor of Swift, Armour and other packers. The space within the building was crowded with members of the bar, who listened to the arguments with close attention, particularly those of the Attorney-General.

Mr. Moody said it appeared that the defendants, who were seven corporations, one partnership and twenty-three individuals, were engaged in the business of buying live stock, converting it into fresh meat and selling the meat throughout the country. It was obvious that the business included both manufacture or production and commerce. They were charged with violating the law by entering into an agreement for suppressing competition in the purchase of live stock and of competition in the sale of fresh meat. None of the charges related to manufacture or production, but all related to commerce, not necessarily interstate commerce, but commerce as distinguished from manufacture or production.

In this differed from the Knight case, which concerned only manufacture or production. There was no fusion or acquisition of property interests, as in the Northern Securities case, but simply agreements affecting the freedom of action in certain respects. The charges did not relate to any anticompetitive incident or collusive agreement, or which aided or facilitated it. On the contrary, they related to commerce itself, and were made and done by those who were conducting it with respect to its conduct. These propositions narrowed the inquiry and left for the court the determination of only two questions:

First—Whether the commerce in this case was commerce among the States, and

Second—Whether the agreements constituted a restraint of such commerce, or created or promoted a monopoly of no part of it.

The case of the Government required that both of the questions should be answered in the affirmative, otherwise it failed.

In taking up the charge of suppressing competition in buying live stock, Mr. Moody said the agreement to that effect having been clearly alleged, the question arose whether that agreement related to interstate commerce. That depended upon whether the sales of stock with which the agreement concerned itself were a part of interstate commerce.

"The transactions of purchase and sale," he continued, "are themselves begun and ended within a State. Indeed, every transaction of interstate commerce must take place within a State. Considered as a mere sale and purchase, the transaction is, superficially, precisely the same whether the subject of the sale or purchase is a national article of interstate commerce or of intrastate commerce. The same sort of bargain is made for cattle produced and owned within the State of sale as for cattle produced and owned in another State and sent to the locus of the transaction for the purpose of sale there. In the former case, however, the transaction is governed solely by the rules of the local law. In the latter case it is governed by the rules of the national law."

"Where an owner of commodities living in one State transports them to another State for sale, the interstate character of the transaction continues from the beginning of the shipment and including the sale of the commodity if the commodity has not lost its identity by the breaking of the original package in which it has been imported."

Mr. Moody reinforced his conclusions by a long list of decisions of the Supreme Court in interstate commerce cases giving similar points, particularly in the original package doctrine. In the American Steel and Wire case the court had laid down the principle that "where goods imported into a State for sale had arrived at their destination, were at rest and under the protection of the laws of the State they were subject to the taxing power of the State, even though their interstate character continued and the interstate transaction was not ended."

That showed clearly at the point of time when the taxing power of the State intervened was not identical with the point of time when the interstate character of the transaction ended.

As to the contention of the defendants that the unloading of the cattle from the cars in which they were transported and their disposition in the various pens in the stockyards constituted a breaking of the original package and a commingling of the property with the domestic property of the State to such an extent that the purchase and sale of them are domestic commerce, Mr. Moody said it was difficult to treat it seriously. If the original package conception had any relevancy to this discussion, surely it must be that the packages which nature itself has made were the original packages.

Referring to the actions of the packers in controlling the selling price of fresh meat by secret meetings throughout the country by their agents at a uniform price was fixed, Mr. Moody said it was clearly a restraint of interstate commerce in view of other decisions by the court. As to the claim that the packers and stockmen themselves had invoked the Federal law against the contention in several instances and had been sustained by the courts.

In concluding his argument the Attorney-General said:

"The offense is complete when the combination is made. The combination is not cured of its vice if, perchance, some agent seek to divide the carcasses before they are sold."

Let not the offense of these defendants be obscured by any refinement concerning the details of their conduct. Controlling 60 per cent. of the fresh meat industry of the whole country, they sit down at their slaughtering and packing establishments and with the aid of the telegraph, through the instrumentality of countless agents and attorneys spread throughout the country, clothing their transactions and sheltering their misconduct by ciphers and codes, raised or lowered, and when thus lowered or raised, fix and maintain absolutely, as among themselves, the price of every pound of one of the great necessities of life as it enters and follows the channels of interstate commerce."

This is an unlawful restraint of commerce among the States and was so declared in the Addison pipe case, from which all the ingenuity of counsel cannot distinguish the case at hand.

In the tenth paragraph of the petition it appears that the defendants, with intent to monopolize interstate commerce, are engaged in the common practice of obtaining unlawful rates for transportation from common carriers.

TRAIL TO CITY BANK'S DOOR

OF LAST \$60,000 STOCK WASHING
CASH THE MURROES USED.

Creditors Having Followed It Bring the Bank into the Laundry Bankruptcy Suit—A Previous Operation of Loomis and Boese in Mining Promotion.

The National City Bank has been made a party to the bankruptcy proceedings brought against Munroe & Munroe, the collapsed brokerage firm which obtained from the bank its unindorsed and unsecured notes \$60,000 for eight days, and which used the money in washing the price of Montreal and Boston Consolidated mining stock on the Wall Street curb, from 50 cents up to \$3.50 a share. An amended petition was filed yesterday in the United States bankruptcy court, by counsel for the receiver and certain of the creditors, naming the alleged preference given to the bank as a creditor as a ground for the bankruptcy proceeding.

From the money and property of Munroe & Munroe, it is alleged, the sum of \$60,000 was paid to the bank on Dec. 7, the day when the laborers' strike refused to accept deliveries of stock. This money was, of course, paid in to take up the daily loan which the bank had been making to the firm. At the time of the last payment, it is alleged, Munroe & Munroe were insolvent. The creditors seek to hold the bank responsible for this \$60,000.

While the news of the step which had been taken in the bankruptcy proceedings was being conveyed by reporters to the officers of the City Bank generally, other developments occurred of special interest to Archibald G. Loomis, the bank's second vice-president and credit man, and the leading spirit in the underwriting syndicate which agreed to take 700,000 shares of Montreal and Boston stock at \$1 a share and which engaged the Munroes to dispose of it. These developments were contained in a despatch from Hartford to an evening newspaper telling of Mr. Loomis's connection with an attempt, a year or more ago, to "finance" the Majestic Mining and Smelting Company. Ex-Alderman George F. Kellogg of Hartford, a director of the Majestic company, was quoted as saying, "The statement attributed to him was substantiated last night by another director of the company living in this city."

Associated with Mr. Loomis in the Majestic deal was Quincy Ward Boese, late the secretary-treasurer of the Montreal and Boston underwriting syndicate, who has testified in the present proceedings that he helped the Munroes in their sale transactions, although he didn't know then that he was doing that. It has been hinted in the present bankruptcy proceedings that Mr. Loomis and Mr. Boese were not strangers in matters of promoting mining properties before they came together in the Montreal and Boston enterprise.

The Hartford director says that in 1903, when C. J. Caughey, president of the Majestic company, and A. B. Lewis, secretary, failed of reelection, Quincy Ward Boese brought suit against the company and its fiscal agents, Chapman, Mucklow & Bosson of Hartford, upon complaint of Caughey. It was alleged that there had been irregular transactions and that Mucklow had come into possession of stock for which he had paid nothing. About the same time the stockholders in the company began to receive printed matter not calculated to inspire confidence in its affairs.

On Aug. 8, Kellogg says, Boese sent letters to the stockholders announcing that a voting trust committee had been appointed, composed of A. G. Loomis, James H. Knight of the First National Bank of Hartford, and Charles F. Street, to take charge of the affairs of the Majestic company. The recognized standing of Loomis and Knight restored confidence, and the shareholders accepted this as an apparent way of avoiding total wreck. In a letter to the directors Mr. Boese is quoted as saying:

"We feel not only that our own pecuniary interests but the interests of the stockholders of the Majestic company—in fact, the very value of their stock, depends upon the acceptance of the three gentlemen proposed as the trustees of the company. It is clear that there is an opportunity here for you to secure the heartfelt thanks of all of the 2,000 stockholders of the company by taking hold of this matter with that skill which the success of your business has shown in the financial world shows you possess."

At an early meeting of the voting trust, the director says, Loomis declared that he was going to send Boese to Utah as his personal representative to inspect the company's properties. Boese went, spent one day at the mines in Milford, Utah, and, according to the Hartford director, came back with damaging reports of the condition of the mines.

Under pressure of Loomis and others behind him, the president, treasurer and several directors were forced to resign. A. G. Loomis and his son thereupon were made directors, and the son was put at the head of the company. The same son, the director says, was secretary of Montreal and Boston Company until Munroe & Munroe resigned.

Boese, it is asserted, with A. B. Lewis, the old president of the Majestic company, then came forward with a proposal for the consolidation of the Majestic with several other mining companies in which Loomis and others were interested, the scheme being, it is asserted, to Federalize the other mines with the Majestic properties, which possessed known merit. They proposed to capitalize the new company, the Monarch, at \$300,000, and to allow the shareholders of the Majestic \$200,000 par value of the new stock for all their properties, which were then capitalized at \$60,000.

Not a cent had been raised for the Majestic company by the voting trust, and the stock of the company fell from \$2, at which it was selling in the open market when Loomis and his followers took it, until at last 15 cents was bid, with the stock offered at 18 cents. Then the rehabilitating process under the Loomis voting trust came to an end, a receiver being appointed for the company.

When Mr. Loomis was asked about these matters yesterday he replied that he had nothing to say.

The announcement by George H. Munroe, head of the collapsed firm, that the firm would resume possession of its offices, at 25 Broadway yesterday morning, proved to be abortive. Early in the day, Jordan Jackson Rollins of the New firm of Rollins & Rollins, counsel for the Munroes, told the reporters that an order from the court was unnecessary for his clients to start in business again; that he was going down to the receiver's office to see about their moving in.

When he got face to face with the receiver, J. Henry Work, Mr. Rollins requested merely that his clients be allowed office room in the suite. Under the circumstances, Mr. Work said he didn't see how he could allow the Munroes to do business in the offices again without instructions from the court. The letter which Rollins & Rollins wrote to the receiver announcing the Munroes' intention

MATTRESSES.

Clearance sale of surplus stock high grade Ostermoo
Mattresses, regular \$25 and \$30 kind; assorted sizes, extra
thick, extra soft, especially nice French Rolled Edges or Imperial Borders;
weighing 60 lbs.; one or two parts; in beautiful art ticks; offered while
they last at \$18.50 each. Delivered anywhere.

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All cars transfer to door.

of taking the offices contained this cheerful concession:

If, for any reason, it may be more convenient for you, you shall be glad to give you the use of the smaller rooms of the suite for your exclusive occupation for a day or two.

The Munroes, through their attorneys, asked also that the furniture, fixtures, books and stationery be left in the offices in the custody of the firm pending the bankruptcy proceedings.

Neither of the Munroes, however, showed up at the office yesterday. If either member of the firm or any member of the Rollins law firm had attempted to interfere he would have found a six foot bouncer at the door. This was an ex-policeman, who was engaged by Mr. Work to look after details regarding his occupation of the offices.

In reply to the announcement by the Munroes that they are solvent, Receiver Work wrote to Rollins & Rollins as follows:

I beg to remind you that the assets turned over to the receiver consisted of a very small amount of money, approximately \$5,000, the books, furniture and fixtures and a few shares of Marconi Telephone stock, certainly a meagre showing of assets with which to meet the large liabilities of the firm. Such security to the creditors, and before the receiver took possession, a large amount of stock was delivered to persons from whom the receiver will seek to recover. If you received any of these assets, stock and the enforcement of liability on the part of others whom the receiver may ascertain to be liable to the firm or its creditors, this would seem, if realized, to constitute a sort of involuntary solvent, for which the firm can claim little credit.

Mr. Work said that the Munroes, since the receiver was appointed, had made no effort to assist him in finding the assets of the company. The receiver also said that the fact that even before the failure expert accountants were at work on the firm's books, which, according to Mr. Work, had not been posted since the failure, was evidence that the receiver was looking over the work of others whom the receiver may ascertain to be liable to the firm or its creditors, this would seem, if realized, to constitute a sort of involuntary solvent, for which the firm can claim little credit.

HIRAM CALKINS DEAD

In the Hospital He Helped Found—Known to Newspaper Men and Politicians.

Hiram Calkins, lately president of the Board of Port Wardens, died on Sunday evening in the Hahnemann Hospital, of which he was one of the founders. He was born on Dec. 23, 1830, on his father's farm at Gainesville, Wyoming county, Pa. He went into the city in 1854, and then in 1856 he came to Philadelphia, where he wrote news letters to the Philadelphia, which attracted the attention of the elder James Gordon Bennett, who engaged him in 1860 as Albany correspondent for the New York Herald. After four years in Albany he was sent to Washington, where he was present at the death of President Lincoln, and the account which he wrote of it has been republished many times.

In the fall of 1869 Mr. Calkins went to the World, then owned by Manton Marble. He represented the World at Albany for many years. In 1870 he was elected a member of the Senate. In 1872 he was made clerk of the Constitutional Commission for the revision of the State Constitution. In 1875 he was elected to the office of the assembly. From the close of the legislative session until 1885 he represented the World at Albany. In 1885 he was elected to the office of three years each, ending in 1903. He was reappointed by Governors of both parties and after 1892 was president of the board.

In 1899 he, with some others, organized the Hahnemann Hospital, in the face of much opposition, devoted to the practice of homeopathy, which at that time was in its infancy. He served as its president for many years.

In 1895 Mr. Calkins married Miss Jennie Partch, who, like himself, was descended from the stock of the Hahnemann Hospital. England. Mr. Calkins's ancestry on the paternal side goes back to the Treats and Denings of early Connecticut history; many of his ancestors on his mother's side were prominently connected with the political and military history of colonial New England and served in the Continental army. Mr. Calkins leaves two sons and two daughters, all of whom are married. His wife died in 1898. The funeral will be from the Central Presbyterian Church at 4 P. M. on Wednesday.

CAREER A MURDER RUINED.

Death of Ellen Cummins Recalls a Western Shooting She Witnessed.

Ellen Cummins, the actress, who died in San Francisco on Sunday at the age of 50, had a picturesque and, in a measure, a tragic career. She was a member of the stock company at Macaulay's Theatre in Louisville when Edwin Booth, just before the opening of his New York theatre, played an engagement there. Booth was so impressed with Miss Cummins's acting that he brought her to this city to be a member of the company. He was selecting with so much care. She appeared first as Cordelia in "King Lear," and later played the leading Shakespearean roles in his company.

When the first company organized to play at the Theatre, Miss Cummins was engaged as the Countess Ziska. Her associates were Frederick Varde, Benjamin Porter and Maurice Barrymore. She was married to a theatrical couple. In a small Texas town Porter, while resenting an insult to Miss Cummins, was slain dead in her presence by a border ruffian who had forced his way into the railroad restaurant where the company was at supper. The outrage attracted a mob, and the theatre and its effect was to check to a considerable extent the lawlessness then prevalent in Texas. The incident all but ended the career of Cummins.

As a result of the nervous shock she became addicted to the use of stimulants and disappeared from view after her engagement in David Belasco's play "The Strangers of Paris," at the Herald Square Theatre. She was arrested for theft at the time of her disappearance in a salaried position. She succeeded in recovering herself after this experience, and was seen in New York in David Belasco's production of "The Chinese play 'The First Born.'" Later she acted in the West.

HEADACHES FROM COLDS.
Laxative Bromo Quinine, the world wide Cold and Grip remedy, removes the cause. Call for the full story and look for signature of Dr. W. Grove, Jr., on each bottle.

WON'T SHOW HIS BOX OF GOLD

Builder Meehan Says He's Got It in His House.
No Negotiations With the Macy Hairs Over It—'I Don't Know for Certain That He's Found Any Money,' Says T. M. Macy.

It was just like the chest they bring on the stage in "The Count of Monte Cristo," according to Builder James F. Meehan, and with contents such as Capt. Kidd delighted to bury, this wonderful thing dug up in the cellar of the old Bronx house.

What is to become of it is a question. Mr. Meehan, whose brother-in-law found it, says it is safely locked up in his house instead of being in a safety deposit vault. Concerning the contents he is rather reticent, and he won't let the reporters see them.

"I don't want to discuss them with rumors of a lawsuit all about," said Meehan. "Most of the money is gold, coined in the United States, France, Germany and Spain. There is some paper money of this country, and it is all good."

"Any old coins or pieces of eight?"
"Couldn't quite say about that," said Mr. Meehan.

"What do you think the treasure is worth?"
"That I'm not sure of," said the contractor, "but I don't believe you would be far off if you said \$100,000. That box was just like what you see brought in by the faithful servants in the third act of the show—all covered with rust and just crammed full of money. As a matter of fact, the chest was found a week ago last Wednesday, but we did not care to make it public, and it did not leak out until Sunday."

It was found by my foreman, Thomas Cunningham, who is also my brother-in-law. He was in charge of the work of excavating the old Macy place at Prospect and Longwood avenues, where we are going to put up a six-story apartment house. The excavation job was sublet to Michael Maher and his gang of Italian workmen. Cunningham was looking over the work he saw something peculiar near a dry cistern at the back of the house. The Macy place was an old one and got its water supply from this cistern years ago.

Cunningham didn't say anything to Maher and did not go to the place beside the cistern until the next morning. Then he dug up the chest and we found the money. Although some of the money was coined during the time that Theodore L. Macy lived on the place, I have no reason to think the contents of the box would run to about \$150,000, although he could not calculate exactly, because many of the coins were foreign. Neither Mr. Meehan nor Mr. Cunningham who buried the chest.

Theodore L. Macy died about ten years ago. He was a grocer who made a fortune in New York City. He lived at Sixty-sixth street and later on Forty-third street. As his wealth increased he decided that he needed a country house, so he chose the spot in the Bronx, buying seven acres of land about 1885. It was then a wooded country. Macy built what was considered at that time a very fine house. When he died he left a considerable estate to his children and other relatives. His heirs are T. Mortimer Macy, a builder, who has offices at 101 Union avenue and lives at 201 West Seventy-eighth street; the Misses Marian and Isabel Macy, who have moved to 101 West Seventy-eighth street; and his brother, Florence Macy of Hackensack, N. J., where he is a member of the board of directors of the Erie Railroad, and George H. Macy of Troy.

T. Mortimer Macy is the executor of the estate. It is reported that he had decided to bring suit against Meehan for the possession of the treasure trove, on the ground that the deed did not convey any treasure and houses.

"I haven't decided one way or the other," said Mr. Macy last night. "As a matter of fact I know very little about the matter. I have heard the report that Mr. Meehan found this money. I do not know for certain that he did find it."

"Have you seen Mr. Meehan?"
"Yes, I had a talk with him to-night," said Mr. Macy.

"Did you discuss what is to be done with the money he has found?"
"No," said Mr. Macy, "we conferred on other business."

"Have you reason to doubt that Meehan found this money?"
"I've nothing to say about that. I don't know whether he did or not."

"Have you reason to doubt that your father secreted that money on the place?"
"No," said Mr. Macy, "I haven't. Really, I don't know any more about the matter than you do. Mr. Meehan hasn't told me how much money there is or in what form it is or how long it must have lain where it was found. I haven't seen my lawyers about the matter at all."

Miss Isabel Macy said that she knew very little about the matter and was losing her money by being tied in a lawsuit. Her father had ever travelled in places where he would have been likely to accumulate the coins described by Meehan.

Never heard that he travelled abroad," said Miss Macy, "and I don't think that he ever collected foreign coins. I am familiar with his habits, for I played with him when he was a child. He was a very old man when he died, and about the old cistern. Not far away from the house was an Indian cemetery where there was a lot of fighting before the Revolution."

Miss Macy was asked whether she knew any one connected with the family who might have hidden the money. "I cannot think of any one unless it was a servant named Barbara Hoffman who was with us for twenty years. She was very intelligent, even intellectual, and she had worked as a laundress for some of the richest people in Germany. It is possible that she got the money in some way that I do not know of and hid it there. She died in the Isabella Home many years ago and we have heard of her having a large amount of money."

The Macy place is owned by Meehan, who bought it from McCarty & Macy, a firm in New York City. Macy is a partner in McCarty & Macy had bought the property from the estate. The house, which was a rather picturesque affair, was torn down several weeks ago.

NO ELEVATED IN BRONX PARK

Neighbors Against Parsons' Plan to Build One—Brooklyn Kicking, Too.

At the meeting of the Rapid Transit Commission on Thursday a delegation of residents of the neighborhood of Bronx Park will attend to protest against the carrying out of any proposal to extend the elevated railroad system through the park. They will urge that if the extension is built along the route recommended by Engineer Parsons it will mean the cutting up of the park over a large area.

The City Club will send a delegation to make similar protest. The meeting will also be attended by numerous delegations from Brooklyn, who will urge that their borough has not been justly treated in the Parsons plan for new subways.

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Everybody's business is—
To look prosperous.

Revised prices will likely tempt you into a fresh suit to finish out the winter—we've lots of good ones at \$15 now, as well as reductions here and there higher up.

A pair of separate trousers may do the trick; \$5 to \$12.

ROGERS, PEET & COMPANY.
258 Broadway, cor. Warren, opposite City Hall.
We all orders by mail.
1260 Broadway, cor. 32d, and 140 to 148 4th Ave.
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Nobody's business
What underwear you wear unless it's a sort that irritates you.

We've all the good materials—so have just the sort your skin needs—all in the best fitting makes.

Specialties too, like Stuttgarter (sanitary pure wool), Dr. Deimel (mesh), Dermophile (all wool, yet non-shrinkable).

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MRS. M'KEE GETS HER DIVORCE

CRUEL TREATMENT BY HER HUSBAND THE CAUSE.

Testimony in the Case Against the Young Pittsburg Millionaire Made Public—The Husband Makes No Defence—Wife Swears to Many Indignities.

PITTSBURGH, Jan. 9.—Mrs. Eliza Sutton McKee today obtained a divorce from her husband, A. Hart McKee, the young Pittsburg millionaire, who some time ago caused by his attentions to Mrs. Tevis, both in New York and in Europe, and over whom Mrs. Phipps and Mrs. Tevis are said to have had a hair pulling match in a New York hotel.

It was not intended that the testimony of Mrs. McKee in asking for the divorce be made public, but the testimony leaked out today, as well as that of Elizabeth Foster, a former maid of Mrs. McKee, and Dr. R. Sutton, her father. Miss Foster lives at 61 East Forty-ninth street, New York.

Judge Evans granted the divorce on the grounds that McKee offered indignities to his wife, making her life so burdensome that she was forced to withdraw from his home to the shelter of her father's roof. McKee did not contest the proceedings, it being understood that when he gave Mrs. McKee \$300,000 several months ago he would not protest when she applied for divorce.

Mrs. McKee sets forth in her bill that she was in constant fear of her life at the hands of McKee; that he always carried two revolvers, and slept with one under his pillow; that on one occasion he drew a loaded revolver at her. She also set forth that he had been in the habit of bringing strange women to their home in New York, and when she remonstrated she was told if she did not like it she could leave. On one occasion when she was ill he took down the doors between his room and her and he would not lose sight of the nurse. He had threatened to take her children away, and said he would take them to Buenos Ayres, and spend a million dollars if necessary to keep them from her. He also told her that his mother would take great delight in breaking her neck.

On one occasion McKee battered down the door of a bathroom which she was in, though there were two other baths in the house, and on another occasion he struck her. This was when she was confined to bed after giving birth to a child.

McKee, she said, turned the keys of the house and purse over to the butler, and in other ways humiliated her. Once on a train, in the hearing of maids, while going to Philadelphia he told her in a loud voice that any man who would keep her might have her. This, she said, was without any provocation on her part at all.

Dr. R. Sutton, father of Mrs. McKee, testified that he had done his best to reconcile the couple, but could not do so, and that when his daughter came to his home with her children he was thin and sick as if she had been starved. Neither she nor the children had sufficient clothing.

FAIRBANKS RESIGNS.

Notice of His Resignation Sent Formally to the Indiana Legislature.

INDIANAPOLIS, Jan. 9.—One of the first acts of the new Governor of Indiana, J. Frank Hanly, was to send to the House and the Senate a notice of the resignation of Charles W. Fairbanks from the United States Senate. By notifying the Legislature both United States Senators can be elected on Jan. 17, one week from to-morrow.

The Federal law provides that the Legislature shall elect the second Tuesday after receiving notice of a vacancy. Congressman James A. Hemenway will be elected to succeed Senator Fairbanks, who will become Vice-President, and Senator Albert J. Beveridge will be elected to succeed him.

Senator Fairbanks's resignation is to take effect at the close of the Fifty-eighth Congress, which is March 3, 1905. Following is the formal resignation:

UNITED STATES SENATE,
WASHINGTON, D. C., Jan. 7, 1905.
SIR—I hereby tender my resignation as a Senator of the United States to take effect at the close of the Fifty-eighth Congress.

Very respectfully,
CHARLES W. FAIRBANKS.

Lackawanna Ferry Pilot Exonerated.
The United States Steamboat Inspectors have exonerated the pilot of the Lackawanna Railroad Company's ferryboat Paupack from all blame for the collision between the ferryboat and the steamer W. C. Redfield on the evening of Dec. 2. The pilot of the Redfield is held to have been negligent for the collision, and his license has been suspended for sixty days.

ART SALES AND EXHIBITIONS.
"Concluding Sessions."
American Art Galleries,
MADISON SQUARE SOUTH, NEW YORK.
An Event of Importance

Afternoon at 2.30.
Evening at 8.

THE
YAMANAKA
COLLECTION
The sale will be conducted by
THOMAS E. KIRBY, of the
AMERICAN ART ASSOCIATION, Managers
8 East 23d St., Madison Square South.

Afternoon at 2.30.
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The
Very Wealthy
In search of quality in everything, drink

COOK'S
Imperial
EXTRA DRY

Champagne because it is the best—irrespective of price...But it might interest you to know that it costs one-half as much as foreign champagnes, since it pays no duty or ocean freight charges.

ESTABLISHED NEARLY HALF A CENTURY

HERE'S Overcoat
economy for large built and stout men.

We have cut \$4 to \$8 on the prices of a large stock of "Stouts" and "Extra Sizes," running from 45 to 56 inch chest.

They are splendid goods in Winter Worsteds, Cheviots and Friezes. Colors, Black and Oxford Mixtures. Prices \$20 to \$45.

Subway Station just at our door.